

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:04CV286-H**

CHARLES A. EAVES,)
)
 Plaintiff,)
)
 vs.)
)
 MAY DEPARTMENT STORE, et. a.,)
)
 Defendants.)
)
 _____)

ORDER OF DISMISSAL

THIS MATTER is before the Court on the Plaintiff's "Notice of Voluntary Dismissal" (document #31) filed October 11, 2005, which the Court is treating as a Motion for Voluntary Dismissal. In his Motion, which was filed through his counsel, the Plaintiff indicates that he wishes to "dismiss[] this action with prejudice." Document #31 at 1.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Plaintiff's "Notice [and Motion] of Voluntary Dismissal" (document #31) is **GRANTED** and the Complaint is **DISMISSED WITH PREJUDICE**.

2. The Clerk is directed to send copies of this Order to the to counsel for the parties.

SO ORDERED, ADJUDGED AND DECREED.

Signed: February 13, 2006

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

